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REMARKS

Claims 1-3, 6-19 and 21-29 are currently pending in the subject application and are presently under consideration. Claims 1, 15 and 23 have been amended as shown on pp. 2-6 of the Reply. Claims 2 and 16 have been canceled.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 15 and 23 Under 35 U.S.C. §103(a)

Claims 1, 15 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Olodort *et al.* (US Patent Pub. 2005/0091437 A1) in view of Reber *et al.* (US Patent 6,418,325 B1). Reversal of this rejection is requested for at least the following reasons. Olodort *et al.* and Reber *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

To reject claims in an application under §103, an examiner must show an un rebutted *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The Federal Circuit has also held that the level of skill in the art cannot be relied upon to provide the suggestion to combine references. See *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed Cir. 1999).

Applicant's claimed invention relates to systems and methods for facilitating orientation of a display upon a machine data reader, such as a barcode scanner, based at least in part upon a user-defined orientation of a moveable keypad. Independent claims 1, 15 and 23 recite similar elements, namely: *a keypad that is moveable with respect to a body of the machine data reader, the keypad utilized to relay information to the machine data reader; a component that senses a position of the keypad; a component that orients the display based at least in part upon the*

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sensed position of the keypad; a customization component that customizing size of at least one of text and imagery of the display as a function of the sensed keypad position; a detachable face that is detachable from the body of the machine data reader and re-attachable at a rotation of 180 degrees from an initial position, the keypad and the display resident upon the detachable face; and a component that senses a position of the detachable face, the display oriented at least in part upon the sensed position of the detachable face. In particular, the claimed invention enables a keypad and display to be oriented desirably to a user when attempting to enter data into the machine data reader. The machine data reader is typically a wearable barcode scanner that can be attached to either arm of a user. Olodort *et al.* and Reber *et al.*, individually or in combination, fail to teach or suggest such aspects of the claimed invention.

Olodort *et al.* relates to a portable communication device that includes a first position to cover a display assembly and a keyboard assembly, a second position to form a mobile voice phone and a third position to form a personal digital assistant. The keyboard assembly of the communication device includes a keyboard with alphanumeric keys and a display assembly with a display. The display assembly is coupled to the keyboard assembly and is moveable relative to the keyboard assembly between a first open position and a second open position, the first open position being for a voice phone mode and the second open position being for a full alphanumeric keyboard mode. Specifically, the display of the display assembly is in a portrait mode relative to the keyboard assembly in the second position and the display is in a landscape mode relative to the keyboard assembly in the third position. (See Page 1, Paragraphs 0006-0007).

In contrast, applicant's claimed invention discloses a machine data reader comprising a detachable face that can be oriented according to user preference, and wherein a keypad and display are resident upon the detachable face and are moveable with respect to a body of the machine data reader to facilitate desirable orientation for the user. Specifically, the machine data reader includes a detachable face that can be detached from a body of the machine data reader and re-attached at a rotation of 180 degrees from an initial position. The detachable face includes a moveable keypad that can be oriented according to user preference. The detachable face further includes a display that is automatically oriented upon a sensed orientation of the moveable keypad. For example, if the moveable keypad is translated clockwise at an angle of 90 degrees relative to the detachable face from an initial position, then the display will likewise be

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translated clockwise approximately 90 degrees relative to the detachable face. (See Page 14, lines 19-27). Olodort *et al.* merely discloses a portable communication device, wherein the display assembly is rotated 90 degrees about a first hinge to form a full keyboard. (See Figs. 2A-B). Accordingly, Olodort *et al.* is silent with regard to a machine data reader comprising *a detachable face that is detachable from the body of the machine data reader and re-attachable at a rotation of 180 degrees from an initial position, the keypad and the display resident upon the detachable face* and are moveable with respect to the body of the machine data reader to facilitate desirable orientation for the user.

Reber *et al.* does not make up for the aforementioned deficiencies of Olodort *et al.* with respect to independent claims 1, 15 and 23. Reber *et al.* relates to a handheld device having a data reader positioned either at a corner portion or a major surface of its housing. The hand-held device provides a two-way communication apparatus for communicating with a telephone network and an electronic network. The two-way communication apparatus comprises at least one input device to receive user-initiated commands, such as a touchpad. The user-initiated commands received by the input device direct the operation of the two-way communication apparatus. (See Col. 2, lines 27-67). The Examiner cites Reber *et al.* for disclosing an optical/barcode reader. (See Page 3, Office Action dated 3-10-06). Accordingly, Reber *et al.* is silent with regard to *a detachable face that is detachable from the body of a machine data reader and re-attachable at a rotation of 180 degrees from an initial position, the keypad and the display resident upon the detachable face.*

In view of the aforementioned deficiencies of Olodort *et al.* and Reber *et al.*, it is respectfully submitted that this rejection be withdrawn with respect to independent claims 1, 15 and 23.

II. Rejection of Claims 1-3, 7-12, 15, 16, 19, 21-26 and 29 Under 35 U.S.C. §103(a)

Claims 1-3, 7-12, 15, 16, 19, 21-26 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kfoury *et al.* (US Patent Pub. 2003/0044000) in view of Kumar (US Patent 5,386,106 – cited by the Applicant) and Charlier *et al.* (US Patent Pub. 2003/0064751). Reversal of this rejection is requested for at least the following reasons. Kfoury *et al.*, Kumar and Charlier *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

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As stated *supra*, applicant's claimed invention relates to systems and methods for facilitating orientation of a display upon a machine data reader, such as a barcode scanner, based at least in part upon a user-defined orientation of a moveable keypad. Independent claims 1, 15 and 23 recite similar elements, namely: *a keypad that is moveable with respect to a body of the machine data reader, the keypad utilized to relay information to the machine data reader; a component that senses a position of the keypad; a component that orients the display based at least in part upon the sensed position of the keypad; a customization component that facilitates customizing size of at least one of text and imagery of the display as a function of the sensed keypad position; a detachable face that is detachable from the body of the machine data reader and re-attachable at a rotation of 180 degrees from an initial position, the keypad and the display resident upon the detachable face; and a component that senses a position of the detachable face, the display oriented at least in part upon the sensed position of the detachable face.* Kfoury *et al.*, Kumar and Charlier *et al.*, individually or in combination, fail to teach or suggest such aspects of the claimed invention.

Kfoury *et al.* relates to an electronic device having a rotatable keypad and display. The housing of the electronic device has a physically rotatable keypad and an electronically rotatable display image. A sensor provides a sensor signal representative of the orientation of the keypad relative to the housing of the electronic device. The keypad has a plurality of keys in a key housing and a plurality of key sensors that sense activation of the keys. The keypad has at least first and second and possibly third orientations (*See* Page 1, Paragraphs 0015-0017).

In contrast, applicant's claimed invention discloses a machine data reader comprising a detachable face that can be oriented according to user preference, and wherein a keypad and display are resident upon the detachable face and are moveable with respect to a body of the machine data reader to facilitate desirable orientation for the user. Specifically, the machine data reader includes a detachable face that can be detached from a body of the machine data reader and re-attached at a rotation of 180 degrees from an initial position. The detachable face includes a moveable keypad that can be oriented according to user preference. The detachable face further includes a display that is automatically oriented upon a sensed orientation of the moveable keypad. For example, if the moveable keypad is translated clockwise at an angle of 90 degrees relative to the detachable face from an initial position, then the display will likewise be

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translated clockwise approximately 90 degrees relative to the detachable face. (See Page 14, lines 19-27).

Kfoury *et al.* merely discloses a cell phone that includes a top cover 601, a printed circuit board 603 and a base or rear cover 605, wherein a circular rotatable keypad seat 607 is formed within a circular opening of top cover 601 and the display 104 resides on the printed circuit board 603. (See Fig. 6). Thus, the cell phone top cover 601 of Kfoury *et al.* does not contain the keypad 611 and display 104 and is not detachable from the body of the cell phone so as to be oriented according to user preference. Accordingly, Kfoury *et al.* is silent with regard to a machine data reader comprising ***a detachable face that is detachable from the body of the machine data reader and re-attachable at a rotation of 180 degrees from an initial position, the keypad and the display resident upon the detachable face*** and are moveable with respect to the body of the machine data reader to facilitate desirable orientation for the user.

Kumar does not make up for the aforementioned deficiencies of Kfoury *et al.* with respect to independent claims 1, 15 and 23 (which claims 2-3, 7-12, 16, 19, 21-22, 24-26 and 29 depend there from). Kumar *et al.* relates to a handheld, portable device for processing point of sale transactions. The portable device includes a housing for carrying the components; a reader for reading the credit card information; a scanner for scanning product identification information; and a printer for printing a customer receipt (See Col. 2, lines 38-64). The Examiner cites Kumar for disclosing a portable barcode scanner. (See Page 5, Office Action dated 3-10-06). Accordingly, Kumar is silent with regard to ***a detachable face that is detachable from the body of a machine data reader and re-attachable at a rotation of 180 degrees from an initial position, the keypad and the display resident upon the detachable face.***

Charlier *et al.* does not make up for the aforementioned deficiencies of Kfoury *et al.* and Kumar with respect to independent claims 1, 15 and 23 (which claims 2-3, 7-12, 16, 19, 21-22, 24-26 and 29 depend there from). Charlier *et al.* is directed to incorporating a user interface into a holster for a portable handheld electronic device. The user interface may be a touch pad or keypad. The touch pad or keypad can rotate 90 degrees and be displayed either as a landscape or portrait view, accommodating the needs of the user. (See Page 2, Paragraphs [0025]-[0027]). The Examiner cites Charlier *et al.* for disclosing a portable electronic device having a user interface for customizing the display rendering based upon the position of the keypad. (See Page 6, Office Action dated 3-10-06). Charlier *et al.* merely discloses a touch screen display rotatable

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between a portrait mode and a landscape mode orientation. Accordingly, Charlier *et al.* is silent with regard to *a detachable face that is detachable from the body of a machine data reader and re-attachable at a rotation of 180 degrees from an initial position, the keypad and the display resident upon the detachable face* and are moveable with respect to a body of the machine data reader to facilitate desirable orientation for the user.

In view of the aforementioned deficiencies of Kfoury *et al.*, Kumar and Charlier *et al.*, it is respectfully submitted that this rejection be withdrawn with respect to independent claims 1, 15 and 23 (which claims 2-3, 7-12, 16, 19, 21-22, 24-26 and 29 depend there from).

III. Rejection of Claims 6, 13, 14, 17, 18, 27 and 28 Under 35 U.S.C. §103(a)

Claims 6, 13, 14, 17, 18, 27 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kfoury *et al.* (US Patent Pub. 2003/0044000) as modified by Kumar and Charlier *et al.* as applied to claims 1, 15 and 23 above, and further in view of Knox (US Patent 6,004,049). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Kfoury *et al.*, Kumar, Charlier *et al.* and Knox, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Knox does not make up for the aforementioned deficiencies of Kfoury *et al.*, Kumar and Charlier *et al.* with respect to independent claims 1, 15 and 23 (which claims 6, 13-14, 17-18 and 27-28 depend there from). Thus, the subject invention as recited in claims 6, 13-14, 17-18 and 27-28 is not obvious over the combination of Kfoury *et al.*, Kumar, Charlier *et al.* and Knox. Therefore, it is respectfully submitted that this rejection be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP187US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731